



# House of Representatives

General Assembly

**File No. 357**

February Session, 2010

Substitute House Bill No. 5202

*House of Representatives, April 7, 2010*

The Committee on Government Administration and Elections reported through REP. SPALLONE of the 36th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING TELECOMMUTING OPTIONS FOR STATE EMPLOYEES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 5-248i of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2010*):

3 (a) The Commissioner of Administrative Services [may] shall,  
4 within available appropriations, develop and implement guidelines, in  
5 cooperation with interested employee organizations, as defined in  
6 subsection (d) of section 5-270, authorizing telecommuting and work-  
7 at-home programs for state employees. [where such arrangements are  
8 determined to be cost effective.] Such guidelines shall be designed to  
9 achieve the following goals: (1) Increase worker efficiency and  
10 productivity; (2) benefit the environment; and (3) reduce traffic  
11 congestion. The guidelines of the telecommuting or work-at-home  
12 program and determination of whether an employment position is  
13 appropriate for such program shall not be subject to collective

14 bargaining under the provisions of chapter 68.

15 (b) Any employee of a state agency may be authorized either by the  
 16 head of such state agency or, for any employee of the legislative  
 17 branch, by the executive director of the Joint Committee on Legislative  
 18 Management, or his or her designated representative, to participate in  
 19 a telecommuting or work-at-home assignment. [with the approval of  
 20 his appointing authority and with the approval of the Commissioner  
 21 of Administrative Services.] Approval of such assignment may be  
 22 granted only where it is determined to be [cost effective] in compliance  
 23 with the guidelines developed pursuant to subsection (a) of this  
 24 section. Any assignment shall be on a temporary basis only, [for a  
 25 period not to exceed six months and may be extended as necessary]  
 26 and may be terminated upon agency operating needs. Each state  
 27 agency shall provide the Department of Administrative Services with a  
 28 copy of any telecommuting or work-at-home program arrangement  
 29 that it authorizes for any employee of such agency.

30 (c) The Commissioner of Administrative Services shall report  
 31 annually to the joint standing [committee] committees of the General  
 32 Assembly having cognizance of matters relating to labor and public  
 33 employees and government administration as to the extent of use by  
 34 employees as provided pursuant to subsections (a) and (b) of this  
 35 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2010	5-248i

**LAB**      *Joint Favorable Subst. C/R*

GAE

**GAE**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 11 \$</b>	<b>FY 12 \$</b>
Various State Agencies	All Funds-Cost	Potential	Potential

**Municipal Impact:** None

#### **Explanation**

To the extent that the bill increases the number of state employees who telecommute, there may be a potential cost to the state. Under current law, the Department of Administrative Services approves telecommuting arrangements. The bill authorizes agency heads, their designee, or for employees of the legislative branch, the executive director of the Joint Committee on Legislative Management or their designee, to approve and implement telecommuting arrangements.

The potential cost would depend on a number of factors: 1) the number of additional employees who telecommute; and 2) how much, if any, additional equipment must be purchased by the state to create an at-home or alternative work station<sup>1</sup>. If the state has to purchase a computer, printer, security software, internet access, and designated phone line the average cost per employee could exceed \$3,000. If the employee has a personal computer, printer, internet access and the equipment is deemed safe and secure by the state then the cost may be less. There may be a potential increase in workers' compensation liability arising out of at-home or alternative work station injuries, if

<sup>1</sup> The current guidelines do not preclude telecommuters from having to return to the agency on a periodic or routine basis to conduct official work business. To the extent that employees would need equipment for an agency work-space and an at-home/alternative work space, the cost of additional equipment would be a factor.

the injury is shown to have arisen out of and in the course of employment. It is unknown what the extent of the increased worker's compensation liability would be.

In FY 2009 there were 138 employees who had executed telecommuting arrangements on file with DAS<sup>2</sup>.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would depend on the number of state employees authorized to telecommute, what, if any, at-home or alternative work station equipment would be purchased by the state, and any increased workers' compensation liability.

Sources: *Department of Administrative Services Telecommuting Program Guidelines*  
(2005)

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<sup>2</sup> The number of executed agreements in FY 09 was 248; however, this figure includes contract renewals. The total number of employees with executed contracts on file with DAS does not include those employees within the legislative branch, the judicial branch or the constituent units of higher education.

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**OLR Bill Analysis****sHB 5202*****AN ACT CONCERNING TELECOMMUTING OPTIONS FOR STATE EMPLOYEES.*****SUMMARY:**

This bill requires, instead of allows, the Department of Administrative Services (DAS) commissioner to develop and implement guidelines, in cooperation with state employee unions, authorizing state employee telecommuting and work-at-home programs. This must be done within available appropriations.

Under the bill, a telecommuting assignment must meet the program's guidelines. It eliminates the requirement that a telecommuting assignment must be determined to be cost effective.

The guidelines and the determination of whether a position is appropriate for telecommuting are not subject to collective bargaining, under the bill.

EFFECTIVE DATE: July 1, 2010

**GUIDELINE GOALS**

The bill requires the program's guidelines be designed to achieve the following: (1) increase worker efficiency and productivity, (2) benefit the environment, and (3) reduce traffic congestion. Current law does not state goals.

**AUTHORIZATION AND DURATION**

The bill specifies that agency heads and the executive director of the Office of Legislative Management, or her designee, may authorize employees to participate in the programs. The bill eliminates the requirement that the DAS commissioner also approve an employee's

participation.

Under current law, the telecommuting assignment cannot exceed six months. The bill eliminates that time limit, but states the assignment must be temporary and may be terminated based on agency operating needs.

Each agency must provide the DAS with a copy of each telecommuting or work-at-home program agreement authorized for an employee.

### **REPORTING TO THE LEGISLATURE**

The bill requires the DAS commissioner to report annually to the Labor and Public Employees and Government Administration and Elections committees on the extent of employee use of the program. Current law only requires the report to the Labor Committee.

### **COMMITTEE ACTION**

Labor and Public Employees Committee

Joint Favorable Substitute Change of Reference  
Yea 11 Nay 0 (03/16/2010)

Government Administration and Elections Committee

Joint Favorable  
Yea 14 Nay 0 (03/24/2010)